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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,305	07/09/2001	Wayne Anderson	P-14 (n) CIP / CONT	8578

7590

10/08/2002

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EXAMINER

MEISLIN, DEBRA S

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/901,305

Applicant(s)

ANDERSON ET AL.

Examiner

Debra S. Meislin

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 71-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. Applicant's election without traverse of figures 20-22 and 21A-B in Paper No. 7 is acknowledged. In Paper No. 9, applicant indicates that claims 71 and 77-91 are readable on the elected embodiment. As best understood, claims 72-76 are also readable on the elected embodiment and will also be examined.

2. Claims 80-89 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 80, "said first handle second end comprising a box" lacks antecedent basis in the specification and is not found in the original disclosure.

In claim 82, "said driver tool and said bladed tool being in slidable engagement" lacks antecedent basis in the specification and is not found in the original disclosure.

In claim 86, "said bladed tool and said sleeve means flange being in slidable engagement" lacks antecedent basis in the specification and is not found in the original disclosure.

In claim 87, "said jaws being spacedly disposed in the jaws closed position" lacks antecedent basis in the specification and is not found in the original disclosure.

Claim 88 lacks antecedent basis in the specification and is not found in the original disclosure.

In claim 89, "said first handle second end comprises a box" lacks antecedent basis in the specification and is not found in the original disclosure.

3. Claims 71-91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 72 is not understood since "is formed to stow at least one double ended tool bit" contradicts and is inconsistent with the "at least one interchangeable tool bit" of claim 71.

In claim 73, "said opposed members comprising a pliers" is not understood. As best understood, "comprising a pliers" should be --comprising opposed plier jaws--.

In claim 75, "said second sleeve comprising a polygonal" is not understood. Claim 75 contradicts and is inconsistent with claim 71 since claim 71 defines "sleeve means being **non-removably** connected to said means for pivotally connecting the closed end" and claim 75 defines "sleeve means comprising...a second sleeve...for **slidably** non-rotatably **attaching** to the first sleeve". In line 5, "a drive member" is inconsistent with the "at least one interchangeable tool bit" of claim 71.

In claim 76, "comprising a cutter" is not understood in view of the specification and drawings.

In claim 77, lines 4-5, "means for pivotally connecting the opposed members to adjacent the first ends" is not understood. Are the opposed members pivotally connected to each other, to the first ends of the handles, or to some other element(s)?

In claims 80 and 89, it is not clear as to how the second end of the handle comprises a box.

In claims 82 and 86, it is not clear as to what the bladed tool and flange/driver tool are in slidable engagement with.

In claim 86, it is not clear if the "flange" is a part of the "means for pivotally connecting the sleeve means closed end" of claim 77 or if it is an additional element.

In claim 87, "the jaws closed position" lacks antecedent basis. Also, "said jaws being spacedly disposed" is not understood in view of the specification and drawings.

In claim 88, "said means for pivoting the jaws" lacks antecedent basis. Claim 88 is not understood in view of specification and drawings.

In claim 89, "the driver tool is a multiple tool bit driver tool" since claim 80 defines "said sleeve means and tool bit" as a driver tool. It is not clear as to how the second end of the handle comprises a box.

In claims 90 and 91, "wherein one jaw is fixed" is misdescriptive since in a pair of pliers both of the jaws are movable with respect to each other.

In claim 91, "comprises respective jaws" is redundant in view of line 2 of claim 77.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 71, 73, 76, 77, 90, and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942), Beran (2,980,996), or Liu (5,802,936).

Figure 17 of Harrison et al discloses all of the claimed subject matter except for having a closed end of the sleeve non-removably connected to the means for pivotally connecting the sleeve and being pivotable to an inoperative position between the handle sides. Izhak, Beran, or Liu disclose a having a closed end non-removably connected to the means for pivotally connecting the sleeve and being pivotable to an inoperative position between the handle sides. It would have been obvious to one having ordinary skill in the art to form the sleeve of Harrison et al as non-removably connected to the means for pivotally connecting the sleeve and being pivotable to an inoperative position between the handle sides to drive bits and store the sleeve as taught by Izhak, Beran, or Liu.

6. Claims 72, 80, 82, 84, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above.

Izhak or Beran further disclose bits and sleeves stored in the handle box. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al such that the bits and sleeves are stored in the handle box to allow for the storage of bits within the handle as taught by Izhak or Beran.

7. Claims 74 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942), Beran (2,980,996), or Liu (5,802,936) as applied above, in further view of Esquire, Park (5,280,659), Beck (5,432,968), Cachot (5,809,600), or Dahlquist (614,573).

Esquire, Park, Beck, Cachot, or Dahlquist disclose asymmetrical handles. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with asymmetrical handles to provide limited bulk and storage in only one handle as taught by Esquire, Park, Beck, Cachot, or Dahlquist.

8. Claims 75 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942), Beran (2,980,996), or Liu (5,802,936) as applied above, in further view of Rocca (4,448,097).

Rocca discloses a second sleeve. It would have been obvious to one having ordinary skill in the art to form the provide the device of Harrison et al with a second sleeve for added versatility and storage as taught by Rocca.

9. Claims 81 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above, in further view of Esquire, Park (5,280,659), Beck (5,432,968), Cachot (5,809,600), or Dahlquist (614,573).

Esquire, Park, Beck, Cachot, or Dahlquist disclose asymmetrical handles wherein one handle is free of pivoted tools. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with asymmetrical handles wherein one handle is free of pivoted tools to provide limited bulk and storage in only one handle as taught by Esquire, Park, Beck, Cachot, or Dahlquist.

10. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above, in further view of Esquire or Dahlquist (614,573).

Esquire or Dahlquist disclose a spring between the handles and being movable with respect to the second handle. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with a spring between the handles and being movable with respect to the second handle to maintain the jaws in an open position as taught by Esquire or Dahlquist.

11. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above, in further view of Dahlquist (614,573).

Dahlquist discloses a means to hold the handle in a closed position. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with a means to hold the handle in a closed position to maintain the device in a non-use position as taught by Dahlquist.

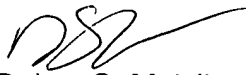
12. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above, in further view of Beck (5,432,968).

Beck discloses spaced jaws in a closed position as shown in figure 2. it would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with spaced jaws in a closed position as an obvious positional variant as taught by Beck.

13. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison et al (6,009,582) in view of Izhak (5,495,942) or Beran (2,980,996) as applied above, in further view of Esquire, Cachot (5,809,600), or Dahlquist (614,573).

Esquire, Cachot, or Dahlquist disclose a longer first handle than a second handle. It would have been obvious to one having ordinary skill in the art to form the device of Harrison et al with a longer first handle than a second handle as such would have been an obvious variation in size as taught by Esquire, Cachot, or Dahlquist.

14. Any inquiry concerning this communication should be directed to Debra S. Meislin at telephone number 703-308-3671.



Debra S. Meislin
Primary Examiner
Art Unit 3723

October 1, 2002